

FILED IN DISTRICT COURT
OKLAHOMA COUNTYIN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

MAY 12 2022

RICK WARREN
COURT CLERK

109

BARBARA ANN WHITEMAN,

Plaintiff,

vs.

JOHN RYAN THEOBALT and
LINDAMOOD HEAVY HAULING, INC.,

Defendants.

Case No.

CJ-2022-2241

PETITION

COMES NOW the Plaintiff, Barbara Ann Whiteman by and through her attorneys of record, James J. Taylor, Kevin S. Locke, and Thomas B. Corbin of the firm Taylor, Lucas, Locke and Corbin, and for her causes of action against the Defendant, John Ryan Theobalt, (hereinafter "Defendant Theobalt"), and Defendant, Lindamood Heavy Hauling, Inc., a Texas corporation and transport company operating commercial vehicles hauling cargo and regulated commodities in interstate commerce (hereinafter "Lindamood") and referred to herein as "Defendants", alleges and states as follows:

1. That on or about June 12, 2020 at I-240 near Pennsylvania Avenue in Oklahoma City, Oklahoma, Oklahoma County, State of Oklahoma, Defendant, Theobalt, was the driver of a 2017 semi-truck and trailer, which he operated in a negligent manner colliding into Plaintiff's vehicle causing physical injury and property damage.
2. As a result of Defendant Theobalt's negligence, Plaintiff was injured, suffered past, present and future mental and physical pain and suffering; temporary and permanent physical injuries, temporary and permanent physical limitations; incurred expenses for medical treatment and will incur future expenses for medical treatment; suffered lost quality of life and loss of earning capacity.

EXHIBIT

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3. The collision and said injuries, losses and damages were the direct and proximate result of the carelessness and negligence of Defendant, John Ryan Theobalt, because Defendant Theobalt:

- a. failed to use ordinary care to prevent injuries to other persons;
- b. failed to exercise ordinary care in keeping a look out consistent with the safety of other vehicles and persons;
- c. failed to devote full time and attention to driving;
- d. failed to travel at a speed safe for road conditions;
- e. improper lane change; and
- f. failed to maintain a proper distance between his semi-truck and trailer and Plaintiff's vehicle.

4. That at all times mentioned herein and at the time of the collision, Defendant, Theobalt, was acting as the agent, servant and/or employee of Defendant Lindamood Heavy Hauling, Inc. and was within the scope and course of his employment and in furtherance of Defendant Lindamood's interest.

WHEREFORE, premises considered, Plaintiff prays judgment be rendered against Defendant, John Ryan Theobalt, and Defendant, Lindamood Heavy Hauling, Inc., in an amount in excess of Seventy-Five Thousand Dollars and no/100s (\$75,000.00), plus interest, costs and attorney's fees along with any other relief this Court deems just and equitable.

SECOND CAUSE OF ACTION

COMES NOW the Plaintiff, and for her second cause of action herein, incorporate the allegations set forth above and further assert:

5. At the time of the collision, Defendant, Theobalt, was an agent, servant and/or employee of Defendant, Lindamood, who is responsible for the actions of its agent, servant

and/or employee.

6. That Defendant, Lindamood, is a Texas corporation operating commercial vehicles hauling both cargo and regulated commodities in interstate commerce including the State of Oklahoma, which is where the collision occurred.

7. That Defendant Lindamood employed Defendant Theobalt to perform services, including and/or requiring but not limited to, training, licensures, certifications and/or qualifications for the use and/or operation of Lindamood's semi-truck and trailer.

8. That at all times mentioned herein and at the time of the collision, Defendant, Theobalt, was acting as the agent, servant and/or employee of Defendant Lindamood and was within the scope and course of his employment and in furtherance of Defendant, Lindamood's interest.

9. Defendant Lindamood entrusted Defendant Theobalt, with the operation of its semi-tractor/trailer for use in performance of his duties as its agent, servant and/or employee and knew or should have known that Defendant Theobalt's negligent operation of its vehicle and said subsequent collision were likely to cause injury to other persons.

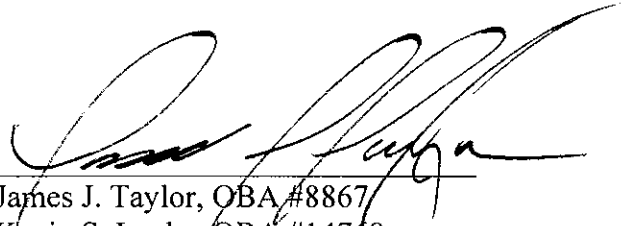
10. The collision, injuries and harm were the direct and proximate result of the carelessness and negligence of Defendant, Lindamood, because Defendant, Lindamood, failed to properly train and/or supervise Defendant Theobalt.

11. The collision, injuries and harm were the direct and proximate result of the carelessness and negligence of Defendant, Lindamood Heavy Hauling, Inc., because Defendant, Lindamood, failed to properly service and maintain its semi-truck and trailer.

WHEREFORE, premises considered, Plaintiff prays judgment be rendered against the Defendants, Lindamood Heavy Hauling, Inc., and Defendant, John Ryan Theobalt, in an amount in excess of Seventy-Five Thousand Dollars and no/100s (\$75,000.00), plus interest, costs and

attorney's fees along with any other relief this Court deems just and equitable.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "James J. Taylor", is written over a horizontal line.

James J. Taylor, OBA #8867

Kevin S. Locke, OBA #14769

Thomas B. Corbin, OBA #16445

TAYLOR, LUCAS, LOCKE & CORBIN

1132 N. Broadway Drive

Oklahoma City, OK 73103

(405) 232-8585 Telephone

(405) 232-8588 Facsimile

kevin.locke@taylorlucas.com

ATTORNEYS FOR PLAINTIFFS

ATTORNEY'S LIEN CLAIMED